UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,500	04/15/2004	Akihiro Ogasawara	01-619	6569

23400   7590   04/19/2007

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER
BROWN, VERNAL U

ART UNIT	PAPER NUMBER
2612	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/824,500	OGASAWARA, AKIHIRO
	Examiner	Art Unit	
	Vernal U. Brown	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 January 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☒ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. *1-17-07*

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This action is responsive to communication filed on January 23, 2007.

Response to Amendment

The examiner has acknowledged the amendment of claims 1, 5-6, 11, 13, 19-20, 24, and

the addition of claims 27-32.

Response to Arguments

Applicant's arguments with respect to optionally activating the privacy mode is mute in

review of new grounds of rejection.

Applicant argues that the reference of Murphy fail to teach activating a privacy mode, it

is the examiner's position that Murphy teaches a permitting (enable) command for permitting

(enabling) a use of a given function of the in-vehicle device and an unpermitting command for

unpermitting (disabling) the use of the given function (vehicle accessories) based on the

identification of the user using the personal information (col. 5 lines 33-60). The examiner

considers the disabling the use of certain vehicle function or accessories as the privacy mode.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 24-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Murphy US Patent 6232874.

Regarding claims 24-25, Murphy teaches generating a command for activating a privacy mode in which the use of the vehicle is restricted base on identification of the vehicle operator(co. 5 lines 16-31) and determining the unpermitting use of a vehicle function such as the use of vehicle accessories (cargo lift, cargo lock) not required for the traveling of the vehicle (col. 5 lines 32-45) and therefore allow the vehicle to operate to travel with the restricted use. The use of a given function is based on accessing the private information to determine whether the vehicle operator is a restricted user (col. 3 lines 25-51). Murphy teaches displaying information, during the prohibition state, indicating that the prohibition state is active (col. 13 lines 63-66). The privacy mode which is considered as the mode in which the use of the vehicle is restricted is entered into when the predetermine condition of identifying the user as a restricted user is established (col. 2 lines 40-50).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3, 6-15, 20-23, 27, 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy US patent 6232874 in view of Gormley US Patent 5513107.

Regarding claims 1 and 11 Murphy teaches a storing personal information such as the restriction a user is subjected to and the information is used in navigating the vehicle (col. 3 lines 25-40); commanding unit for generating a command of one of a permitting (enable) command for permitting (enabling) a use of a given function of the in-vehicle device and an unpermitting command for unpermitting (disabling) the use of the given function (vehicle accessories) based on the identification of the user (col. 5 lines 33-60). The privacy mode which is considered as the mode in which the use of the vehicle is restricted is entered into when the predetermine condition of identifying the user as a restricted user is established (col. 2 lines 40-50). Murphy teaches a controller (179) for controlling the vehicle functions and an authentication unit for verifying the identity of the driver (col. 13 lines 30-45). Murphy is silent on teaching optionally activating a privacy mode. Gormley in an art related vehicle control system teaches selectively activating a privacy mode such as a valet mode in order to restrict the operation of the vehicle (col. 7 lines 9-21) and the predetermined condition of activating the privacy mode is the entry of the correct password. Gormley also teaches setting and changing a function setting (col. 7 lines 44-55).

It would have been obvious to one of ordinary skill in the art to modify the system of Murphy as disclosed by Gormley because optionally activating a privacy mode increase the security of the vehicle by limiting the operating functions available to a person such as a valet attendant.

Regarding claims 3, Murphy teaches an inputting unit for inputting individual information unique to a user (biometric information) of the vehicle (col. 4 lines 44-55); and a registry storing unit for storing registry information registered by the user (col. 16 lines 1-6), and wherein the authenticating unit successfully executes the authentication process when a given

relationship between the individual information and the registry information is fulfilled (col. 5

lines 33-60).

Regarding claims 6 and 8, Murphy teaches a map data storing unit for storing map data

including position information relating to positions of facilities on a map defined by the

permitted range of vehicle location coordinates (col. 12 lines 20-22, col. 14 lines 42-46); and a

position detector for detecting a current position, wherein, when a current position detected by

the position detector is a position of a given facility (col. 3 line 52-col. 4 lines30), the

commanding unit generates the unpermitting command for unpermitting of the use of the given

function (col. 5 lines 35-38). The privacy mode which is considered as the mode in which the use

of the vehicle is restricted is entered into when the predetermine condition of identifying the user

as a restricted user is established (col. 2 lines 40-50).

Regarding claims 7, 12 Murphy teaches the command to restrict the operation of the

vehicle is determined after the user biometric is received and authenticated (col. 5 lines 33-60).

The vehicle device is therefore powered without inserting the key.

Regarding claim 9, Murphy teaches restricting the use of the vehicle accessories

(unpermitting use of a function) and at the same time allow enable the vehicle to travel (col. 5

lines 33-57).

Regarding claim 10, Murphy teaches the vehicle includes a navigation device for

detecting the position of the vehicle (col. 3 lines 51-60).

Regarding claims 13 and 15, Murphy teaches a storing personal information such as the

restriction a user is subjected and the information is used in navigating the vehicle (col. 3 lines

25-40); commanding unit for generating a command of one of a permitting (enable) command

for permitting (enabling) a use of a given function of the in-vehicle device and an unpermitting

command for unpermitting (disabling) the use of the given function (vehicle accessories) based

on the identification of the user using the personal information (col. 5 lines 33-60). Murphy

teaches a controller (179) for controlling the vehicle functions and an authentication unit for

verifying the identity of the driver (col. 13 lines 30-45). The privacy mode which is considered

as the mode in which the use of the vehicle is restricted is entered into when the predetermine

condition of identifying the user as a restricted user is established (col. 2 lines 40-50). Murphy is

silent on teaching optionally activating a privacy mode. Gormley in an art related vehicle control

system teaches selectively activating a privacy mode such as a valet mode in order to restrict the

operation of the vehicle (col. 7 lines 9-21). Gormley also teaches setting and changing a function

setting (col. 7 lines 44-55).

It would have been obvious to one of ordinary skill in the art to modify the system of

Murphy as disclosed by Gormley because optionally activating a privacy mode increase the

security of the vehicle by limiting the operating functions available to a person such as a valet

attendant.

Regarding claim 14, Murphy teaches restricting the use of the vehicle accessories

(unpermitting use of a function) and at the same time allow enable the vehicle to travel (col. 5

lines 33-57).

Regarding claim 16, Murphy teaches an inputting unit for inputting individual

information unique to a user (biometric information) of the vehicle (col. 4 lines 44-55); and a

registry storing unit for storing registry information registered by the user (col. 16 lines 1-6), and

wherein the authenticating unit successfully executes the authentication process when a given

relationship between the individual information and the registry information is fulfilled (col. 5

lines 33-60).

Regarding claim 20, Murphy teaches a map data storing unit for storing map data

including position information relating to positions of facilities on a map defined by the

permitted range of vehicle location coordinates (col. 12 lines 20-22, col. 14 lines 42-46); and a

position detector for detecting a current position, wherein, when a current position detected by

the position detector is a position of a given facility (col. 3 line 52-col. 4 lines30), the

commanding unit generates the unpermitting command for unpermitting of the use of the given

function (col. 5 lines 35-38). The private mode is considered as the mode in which the vehicle

operator is permitted to use certain vehicle functions when the predetermine condition of

identifying the user as a restricted user is established (col. 2 lines 40-50).

Regarding claim 21, Murphy teaches the command to restrict the operation of the vehicle

is determined after the user biometric is received and authenticated (col. 5 lines 33-60). The

vehicle device is therefore powered without inserting the key.

Regarding claims 22-23, Murphy teaches the vehicle includes a navigation device for detecting the position of the vehicle (col. 3 lines 51-60).

Regarding claim 27, Murphy teaches storing navigation information as to the area in which the vehicle is allowed to travel and permitting the user only to travel to and from work (col. 3 lines 44-50). By allowing the user to only travel to and from work suggests the system has personal information regarding the user including information identifying the home of the user in order to restrict the user's travel.

Regarding claims 30-32, Murphy teaches a map data storing unit for storing map data including position information relating to positions of facilities on a map defined by the permitted range of vehicle location coordinates (col. 12 lines 20-22, col. 14 lines 42-46) but is silent on teaching the facility is a valet parking facility. Gormley in an art related vehicle control system teaches selectively activating a privacy mode such as a valet mode in order to restrict the operation of the vehicle (col. 7 lines 9-21) and valet mode implies the use of a parking facility.

It would have been obvious to one of ordinary skill in the art to restrict the operation of the vehicle in a parking facility because this ensures the vehicle is operated in a restricted area and further increase the security of the vehicle. .

Claims 2, 4, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy US patent 6232874 in view of Gormley US Patent 5513107 and further in view of Treyz et al. US Patent 6711474.

Regarding claims 2 and 17, Murphy teaches a controller (179) for controlling the vehicle functions (col. 13 lines 30-45) and the reference of Gormley teaches changing the setting of a

function (col. 7 lines 38-45) but is silent on teaching the function includes browsing setting

content. Treyz et al. in an art related automobile control system teaches placing a vehicle

computer mode by requiring the entry of a valid identification in order to browse the vehicle

setting on the computer (col. 37 lines 36 –49).

It would have been obvious to one of ordinary skill in the art to modify the system of

Murphy in view of Gormley as disclosed by Treyz et al. because allows the user to see the

default settings and determine whether a modification of the settings is necessary.

Regarding claims 4 and 18, Murphy teaches storing the execution result in a memory

(col. 12 lines 4-8) but is silent on teaching storing the execution result regardless whether the

power supply to the in-vehicle device is stopped. Treyz et al. in an art related automobile

personal computer system teaches the use of a non-volatile memory (col. 13 lines 46-47) for

maintaining information even when the power is stopped.

It would have been obvious to one of ordinary skill in the art to store the execution result

in the storage unit regardless of whether a power supplied to the in-vehicle device is stopped in

Murphy because non-volatile memory retain its stored information when the power supply is

stopped in order to enable the system to function properly when power is restored.

Claims 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy

US patent 6232874 in view of Gormley US Patent 5513107 and further in view Losey European

Patent Application Publication EP1101670.

Regarding claims 5 and 19, Murphy in view of Gormley teaches a placing the vehicle in a private mode (see response to claim 1). he privacy mode which is considered as the mode in which the use of the vehicle is restricted is entered into when the predetermine condition of identifying the user as a restricted user is established (col. 2 lines 40-50). but is silent on teaching the privacy mode is activated when the spare key is inserted in the key cylinder of the vehicle. Losey in an art related valet key invention teaches activating a private mode, which limits access to certain vehicle function when the valet key (spare key) is detected (paragraph 014).

It would have been obvious to one of ordinary skill in the art to modify the system of Murphy in view of Gormley as disclosed by Losey because activating a private mode which limit access to certain vehicle function when the valet key (spare key) is detected improves the security of the vehicle by limiting access to the vehicle's operating function.

Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy US patent 6232874 in view of Gormley US Patent 5513107 and further in view Weskow UK Patent Application Publication 2298071.

Regarding claims 28-29, Murphy teaches generating a command for activating a privacy mode in which the use of the vehicle is restricted base on identification of the vehicle operator(co. 5 lines 16-31) but is silent on teaching the use of a privacy mode switch. Weskow in an art related vehicle security system invention teaches the use of a switch to enable the privacy mode after the successful entry of a password (col. 5 lines 29-35).

It would have been obvious to one of ordinary skill in the art to provide a privacy mode

switch in Murphy as disclosed by Weskow because the valet switch allow the vehicle authorized

user to control the activation and the deactivation of the privacy mode

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The

examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Brian Zimmerman can be reached on 571-272-3059. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vernal Brown
March 30, 2007
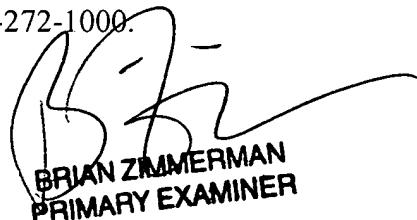
BRIAN ZIMMERMAN
PRIMARY EXAMINER